

Exhibit D: Facts “Disputed” By Defendants – 255

This Exhibit includes those responses in which the Defendants have responded with “Disputed.” Of these, 242 should be deemed admitted, and the remaining 13 raise no material dispute of fact.

Trustee Statement	Defendants’ Responses	Trustee’s Reply
8	Disputed <ul style="list-style-type: none"> Dispute that BLMIS as the LLC did not operate as a sole proprietorship Evidentiary objection 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Extraneous statements Improper legal argument Dubinsky’s expert opinions are admissible
9	Disputed <ul style="list-style-type: none"> Dispute BLMIS as the LLC amended its Form BD 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Extraneous statements Dubinsky’s expert opinions are admissible
11	Disputed <ul style="list-style-type: none"> Dispute that Madoff certified that accounts were held by the LLC Object to extent statement contains Trustee’s characterization 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Extraneous statements
19	Disputed <ul style="list-style-type: none"> Phraseology objection Object to time frame Dispute Trustee’s testimony/evidence 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Phraseology quibble Impermissible expert opinions Defendants were customers of IA Business Trades were fictitious Madoff confirmed starting IA Business in 1960s Proprietary Trading Business did not service retail customers
24	Disputed <ul style="list-style-type: none"> Dispute charges brought against DiPascali 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted <i>Nelson</i> court has recognized that there is no specific crime of operating a Ponzi scheme
25	Disputed <ul style="list-style-type: none"> Evidentiary objection 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted Law of the case that DiPascali’s plea allocution and Criminal Trial testimony are admissible
26	Disputed <ul style="list-style-type: none"> Cites to Response No. 25 Evidentiary objection 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Extraneous statements See Trustee’s Reply to ¶ 25

Trustee Statement	Defendants' Responses	Trustee's Reply
27	Disputed <ul style="list-style-type: none"> Cites to Response No. 25 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 25
32	Disputed <ul style="list-style-type: none"> Reliance on Madoff to dispute employees' knowledge 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not specifically rebut fact Extraneous statement Object to reliance on Madoff's testimony as inadmissible hearsay and untrustworthy
34	Disputed <ul style="list-style-type: none"> Objection to potential for statement to be misconstrued Reliance on Madoff to dispute employees' knowledge Relevance objection 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not specifically rebut fact Extraneous statement Object to reliance on Madoff's testimony as inadmissible hearsay and untrustworthy
37	Disputed <ul style="list-style-type: none"> Dispute charges brought against former employees 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted Object to mischaracterization of fact <i>Nelson</i> court has recognized that there is no specific crime of operating a Ponzi scheme
38	Disputed <ul style="list-style-type: none"> Evidentiary objections 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Dubinsky's expert opinions are admissible
39	Disputed <ul style="list-style-type: none"> Dispute Defendants had IA Business accounts Reliance on Fortgang to dispute trades on statements were fictitious Evidentiary objection 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Impermissible expert opinion Defendants admit in Counterclaims that BLMIS was their "investment advisor" Defendants acknowledge their "IA accounts" in Answers Madoff was operating a Ponzi scheme though his IA Business Defendants were customers of IA Business Trades were fictitious Dubinsky's expert opinions are admissible

Trustee Statement	Defendants' Responses	Trustee's Reply
47	Disputed <ul style="list-style-type: none"> Phraseology objection Cites to Response No. 29 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Phraseology quibble
49	Disputed <ul style="list-style-type: none"> Phraseology objection Evidentiary objection 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Phraseology quibble Bienes Frontline Interview is admissible
50	Disputed <ul style="list-style-type: none"> Dispute Defendants had IA Business accounts Evidentiary objection Cites to Response Nos. 29 and 48 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Phraseology quibble Bienes Frontline Interview is admissible
51	Disputed <ul style="list-style-type: none"> Dispute Defendants had IA Business accounts Evidentiary objections Cites to Response Nos. 8, 29, 48 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Phraseology quibble Defendants were customers of IA Business Bienes Frontline Interview is admissible Dubinsky's expert opinions are admissible
52	Disputed <ul style="list-style-type: none"> Dispute Trustee's testimony/evidence Phraseology objection 	<ul style="list-style-type: none"> No Material Dispute of Fact Trustee refers to Defendants' Responses to Trustee's Request for Admission
53	Disputed <ul style="list-style-type: none"> Dispute Defendants had IA Business accounts Phraseology objection Evidentiary objection 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statements Phraseology quibble Dubinsky's expert opinions are admissible
54	Disputed <ul style="list-style-type: none"> Phraseology objection Dispute Trustee's testimony/evidence Evidentiary objection 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statements Phraseology quibble Bienes Frontline Interview is admissible

Trustee Statement	Defendants' Responses	Trustee's Reply
55	Disputed <ul style="list-style-type: none"> Evidentiary objection Phraseology objections Dispute Trustee's testimony/evidence 	<ul style="list-style-type: none"> No Material Dispute of Fact Does not rebut fact Phraseology quibble Extraneous statements Dubinsky's expert opinions are admissible
56	Disputed <ul style="list-style-type: none"> Objection to implied facts Dispute Trustee's testimony/evidence Evidentiary objection Phraseology objection 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Reliance on implied facts Extraneous statements Phraseology quibble Object to reliance on Madoff's testimony as inadmissible hearsay and untrustworthy
58	Disputed <ul style="list-style-type: none"> Phraseology objections Evidentiary objection Cites to Response Nos. 8, 29, 53 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Phraseology quibble Dubinsky's expert opinions are admissible
59	Disputed <ul style="list-style-type: none"> Object to time frame Phraseology objections Dispute Trustee's testimony/evidence Evidentiary objection 	<ul style="list-style-type: none"> No Material Dispute of Fact Does not rebut fact Extraneous statements Phraseology quibble Dubinsky's expert opinions are admissible
61	Disputed <ul style="list-style-type: none"> Dispute Trustee's testimony/evidence Objection to implied facts Evidentiary objection 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statements Objection to implied facts Dubinsky's expert opinions are admissible
62	Dispute <ul style="list-style-type: none"> Dispute Madoff guaranteed returns Phraseology objections Evidentiary objection 	<ul style="list-style-type: none"> No Material Dispute of Fact Phraseology quibble Object to reliance on Madoff's testimony as inadmissible hearsay and untrustworthy Evidence demonstrates Madoff guaranteed returns
63	Disputed <ul style="list-style-type: none"> Phraseology objections Evidentiary objection 	<ul style="list-style-type: none"> No Material Dispute of Fact Does not rebut fact Extraneous statements Object to reliance on Madoff's testimony as inadmissible hearsay and untrustworthy

Trustee Statement	Defendants' Responses	Trustee's Reply
64	Disputed <ul style="list-style-type: none"> Phraseology objections Evidentiary objection 	<ul style="list-style-type: none"> No Material Dispute of Fact Phraseology quibble Bienes Frontline Interview is admissible Refers Court to Defendants' Amended Responses to the Trustee's Requests for Admission
65	Disputed <ul style="list-style-type: none"> Dispute Trustee's testimony/evidence 	<ul style="list-style-type: none"> No Material Dispute of Fact
68	Disputed <ul style="list-style-type: none"> Phraseology objection Evidentiary objection 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Phraseology quibble Bienes Frontline Interview is admissible
69	Disputed <ul style="list-style-type: none"> Phraseology objection Dispute Trustee's testimony/evidence Evidentiary objection 	<ul style="list-style-type: none"> No Material Dispute of Fact No evidence to the contrary Phraseology quibble Bienes Frontline Interview is admissible
71	Disputed <ul style="list-style-type: none"> Dispute Defendants had IA Business accounts Phraseology objections Evidentiary objection 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Phraseology quibble Defendants were customers of IA Business Bienes Frontline Interview is admissible
72	Disputed <ul style="list-style-type: none"> Phraseology objections Dispute Defendants had IA Business accounts Evidentiary objections Cites to Response Nos. 8, 48, 53 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Phraseology quibble Defendants were customers of IA Business Bienes Frontline Interview is admissible
73	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 25, 74 and 81 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact See Trustee's Reply to ¶¶ 25, 74, 81
74	Disputed <ul style="list-style-type: none"> Evidentiary objection Reliance on Madoff to dispute DiPascali's testimony 	<ul style="list-style-type: none"> No Material Dispute of Fact No evidence to the contrary Extraneous statements Object to reliance on Madoff's testimony as inadmissible hearsay and untrustworthy Law of the case that DiPascali's Criminal Trial Testimony and plea allocation are admissible

Trustee Statement	Defendants' Responses	Trustee's Reply
75	Disputed <ul style="list-style-type: none"> • Cites to Response Nos. 8 and 29 • Dispute Defendants had IA Business accounts • Evidentiary objection 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Does not rebut fact • Phraseology quibble • Dubinsky's expert opinions are admissible
76	Disputed <ul style="list-style-type: none"> • Cites to Response No. 29 • Dispute Defendants had IA Business accounts 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Does not rebut fact • Phraseology quibble
83	Disputed <ul style="list-style-type: none"> • Reliance on Madoff to dispute trades in Defendants' accounts were fictitious • Evidentiary objections 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Object to reliance on Madoff's testimony as inadmissible hearsay and untrustworthy • Madoff was operating a Ponzi scheme though his IA Business • Defendants were customers of IA Business • Trades were fictitious • Dubinsky's expert opinions are admissible • Law of the case that DiPascali's Criminal Trial Testimony and plea allocation are admissible
84	Disputed <ul style="list-style-type: none"> • Cites to Response Nos. 74, 81 and 83 • Evidentiary objection • Dispute Trustee's testimony/evidence 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Does not rebut fact • Extraneous statements • Dubinsky's expert opinions are admissible • See Trustee's Reply at ¶¶ 74, 81, 83
85	Disputed <ul style="list-style-type: none"> • Dispute Trustee's testimony/evidence 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Does not rebut fact • Extraneous statements
86	Disputed <ul style="list-style-type: none"> • Dispute Trustee's testimony/evidence • Evidentiary objection 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Do not rebut fact • Extraneous statements • Dubinsky's expert opinions are admissible

Trustee Statement	Defendants' Responses	Trustee's Reply
88	<p>Dispute</p> <ul style="list-style-type: none"> • Cites to Response Nos. 8, 29 and 38 • Phraseology objection • Dispute Defendants had IA Business accounts • Evidentiary objection 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Do not rebut fact • Phraseology quibble • Dubinsky's expert opinions are admissible
89	<p>Disputed</p> <ul style="list-style-type: none"> • Dispute Defendants had IA Business accounts • Phraseology objection • Evidentiary objection • Reliance on Madoff to dispute employees' knowledge 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Do not rebut fact • Extraneous statements • Phraseology quibble • Object to reliance on Madoff's testimony as inadmissible hearsay and untrustworthy • Dubinsky's expert opinions are admissible
90	<p>Disputed</p> <ul style="list-style-type: none"> • Evidentiary objection • Phraseology objection • Reliance on Madoff to dispute that statements were redone and trades in A&B accounts were fictitious • Dispute Trustee's testimony/evidence 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Do not rebut fact • Extraneous statements • Phraseology quibble • Object to reliance on Madoff's testimony as inadmissible hearsay and untrustworthy • See Trustee's Reply to ¶¶ 74, 81, 83, 84
91	<p>Disputed</p> <ul style="list-style-type: none"> • Dispute Trustee's testimony/evidence • Evidentiary objection • Cites to Response Nos. 8, 74, 81 and 83 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Extraneous statements • Madoff was operating a Ponzi scheme though his IA Business • Defendants were customers of IA Business • Trades were fictitious • Dubinsky's expert opinions are admissible
92	<p>Disputed</p> <ul style="list-style-type: none"> • Dispute Trustee's testimony/evidence • Evidentiary objection 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Extraneous statements • Dubinsky's expert opinions are admissible

Trustee Statement	Defendants' Responses	Trustee's Reply
93	Disputed <ul style="list-style-type: none"> Evidentiary objection Reliance on Madoff to dispute statements were redone and trades were fictitious 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Extraneous statements Madoff was operating a Ponzi scheme though his IA Business Defendants were customers of IA Business Trades were fictitious Dubinsky's expert opinions are admissible
94	Disputed <ul style="list-style-type: none"> Evidentiary objection Dispute that transactions were fictitious 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut statement Extraneous statements Madoff was operating a Ponzi scheme though his IA Business Defendants were customers of IA Business Trades were fictitious Dubinsky's expert opinions are admissible
95	Disputed <ul style="list-style-type: none"> Dispute Trustee's testimony/evidence Reliance on Madoff to dispute that statements were redone 	<ul style="list-style-type: none"> No Material Dispute of Fact Extraneous statements Object to reliance on Madoff's testimony as inadmissible hearsay and untrustworthy
97	Disputed <ul style="list-style-type: none"> Dispute Trustee's testimony/evidence Evidentiary objection 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Extraneous statements Dubinsky's expert opinions are admissible
98	Disputed <ul style="list-style-type: none"> Evidentiary objection Dispute Trustee's testimony/ evidence Reliance on Madoff to dispute Mr. Dubinsky's opinions 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statements Object to reliance on Madoff's testimony as inadmissible hearsay and untrustworthy Dubinsky's expert opinions are admissible
99	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 8, 84, 86 and 96 Evidentiary objection 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statements See Trustee's Reply at ¶¶ 84, 86, 96

Trustee Statement	Defendants' Responses	Trustee's Reply
100	Disputed <ul style="list-style-type: none"> • Cites to Response No. 99 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • See Trustee's Reply at ¶ 99
101	Disputed <ul style="list-style-type: none"> • Phraseology objections • Evidentiary objection • Dispute Defendants had IA Business accounts 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Does not rebut fact • Extraneous statements • Phraseology quibble • Dubinsky's expert opinions are admissible
102	Disputed <ul style="list-style-type: none"> • Dispute Defendants had IA Business accounts • Reliance on Madoff an to dispute that BLMIS had sufficient securities to liquidate for payments to A&B's clients • Reliance on Fortgang to dispute that BLMIS had sufficient securities to liquidate for payments to A&B's clients • Dispute Trustee's testimony/evidence 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • Does not rebut fact • Extraneous statements • Impermissible expert opinions • Object to reliance on Madoff's testimony as inadmissible hearsay and untrustworthy • Madoff was operating a Ponzi scheme though his IA Business • Defendants were customers of IA Business • Trades were fictitious
103	Disputed <ul style="list-style-type: none"> • Cites to Response Nos. 55 and 102 • Phraseology objection 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Does not rebut fact • Phraseology quibble • See Trustee's Reply to ¶ 102
104	Disputed <ul style="list-style-type: none"> • Cites to Response No. 102 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Does not rebut fact • See Trustee's Reply to ¶ 102
105	Disputed <ul style="list-style-type: none"> • Cites to Response No. 102 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Does not rebut fact • See Trustee's Reply to ¶ 102
106	Disputed <ul style="list-style-type: none"> • Phraseology objection • Evidentiary objections 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Extraneous statements • Dubinsky's expert opinions are admissible

Trustee Statement	Defendants' Responses	Trustee's Reply
107	Disputed <ul style="list-style-type: none"> • Cites to Response No. 55 • Phraseology objection 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Does not rebut fact • Phraseology quibble
108	Disputed <ul style="list-style-type: none"> • Dispute Defendants had IA Business accounts • Phraseology objection • Cites to Response Nos. 29, 53 and 55 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Does not rebut fact • Extraneous statements • Phraseology quibble • Madoff was operating a Ponzi scheme though his IA Business • Defendants were customers of IA Business • Trades were fictitious
110	Disputed <ul style="list-style-type: none"> • Phraseology objection • Dispute Defendants had IA Business accounts • Evidentiary objections 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Does not rebut fact • Phraseology quibble • Madoff was operating a Ponzi scheme though his IA Business • Defendants were customers of IA Business • Trades were fictitious • Dubinsky's expert opinions are admissible • Bienes Frontline Interview is admissible
111	Disputed <ul style="list-style-type: none"> • Dispute Trustee's testimony/evidence • Dispute guaranteed returns • Evidentiary objection 	<ul style="list-style-type: none"> • No Material Dispute of Fact • Extraneous statements • See Trustee's Reply to ¶ 62
114	Disputed <ul style="list-style-type: none"> • Objection to inferred facts • Cites to Response Nos. 62 and 112 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Does not rebut fact • Objection to reliance on inferred facts • Extraneous statements • Defendants were customers of IA Business • Trades were fictitious
117	Disputed <ul style="list-style-type: none"> • Cites to Response No. 112 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Does not rebut fact • See Trustee's Reply to ¶ 112

Trustee Statement	Defendants' Responses	Trustee's Reply
119	Disputed <ul style="list-style-type: none"> Dispute Defendants had IA Business accounts Reliance on Fortgang to dispute trades in Defendants' accounts were fictitious Evidentiary objection 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statements Impermissible expert opinion Madoff was operating a Ponzi scheme though his IA Business Defendants were customers of IA Business Trades were fictitious Dubinsky's expert opinions are admissible
120	Disputed <ul style="list-style-type: none"> Evidentiary objections Objection to implied facts Dispute Trustee's testimony/evidence 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statements Objection to reliance on implied facts Madoff was operating a Ponzi scheme though his IA Business Defendants were customers of IA Business Trades were fictitious Dubinsky's expert opinions are admissible
121	Disputed <ul style="list-style-type: none"> Evidentiary objections Cites to Response Nos. 8 and 122 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statements Dubinsky's expert opinions are admissible
122	Disputed <ul style="list-style-type: none"> Evidentiary objections 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statements Trustee's motion relies on admissible evidence
123	Disputed <ul style="list-style-type: none"> Evidentiary objections 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Dubinsky's expert opinions are admissible

Trustee Statement	Defendants' Responses	Trustee's Reply
124	<p>Disputed</p> <ul style="list-style-type: none"> Dispute Defendants had IA Business accounts Evidentiary objection Trades in defendants' accounts were real 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Impermissible expert opinion Defendants concede Madoff's IA Business was a Ponzi scheme Defendants were customers of IA Business Trades were fictitious Dubinsky's expert opinions are admissible
125	<p>Disputed</p> <ul style="list-style-type: none"> Dispute Defendants had IA Business accounts Evidentiary objections 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted Does not rebut fact Extraneous statement Defendants admit in Counterclaims that BLMIS was their "investment advisor" Defendants acknowledge their "IA accounts" in Answers Defendants concede Madoff's IA Business was a Ponzi scheme Defendants were customers of IA Business Trades were fictitious Dubinsky's expert opinions are admissible
126	<p>Disputed</p> <ul style="list-style-type: none"> Dispute Defendants had IA Business accounts Evidentiary objections 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted Does not rebut fact Extraneous statement Unfounded evidentiary objection Defendants concede Madoff's IA Business was a Ponzi scheme Defendants were customers of IA Business Trades were fictitious Dubinsky's expert opinions are admissible
127	<p>Disputed</p> <ul style="list-style-type: none"> Dispute Defendants had IA Business accounts Evidentiary objections 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statements Defendants admit in Counterclaims that BLMIS was their "investment advisor" Defendants acknowledge their "IA accounts" in Answers Defendants concede Madoff's IA Business was a Ponzi scheme Defendants were customers of IA Business Trades were fictitious Dubinsky's expert opinions are admissible

Trustee Statement	Defendants' Responses	Trustee's Reply
128	Disputed <ul style="list-style-type: none"> Dispute Defendants had IA Business accounts Evidentiary objections Dispute Madoff made guarantees or promises Reliance on Madoff to dispute employees' knowledge 	<ul style="list-style-type: none"> No Material Dispute of Fact Refer Court to Defendants' Responses to Trustee's Request for Admissions Phraseology quibble Unfounded evidentiary objections Impermissible expert opinions Defendants admit in Counterclaims that BLMIS was their "investment advisor" Defendants acknowledge their "IA accounts" in Answers Defendants concede Madoff's IA Business was a Ponzi scheme Employee testimony on manufacturing fake trades
129	Disputed <ul style="list-style-type: none"> Cites to Response No. 128 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 128
130	Disputed <ul style="list-style-type: none"> Dispute Defendants had IA Business accounts Reliance on Madoff to dispute employees' knowledge 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statements Rely on testimony unrelated to the substance of fact Defendants admit in Counterclaims that BLMIS was their "investment advisor" Defendants acknowledge their "IA accounts" in Answers See Trustee's Reply to ¶¶ 29, 128
131	Disputed <ul style="list-style-type: none"> Cites to Response No. 29 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 29
132	Disputed <ul style="list-style-type: none"> Dispute Defendants had IA Business accounts Dispute Trustee's testimony/evidence 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Employee testimony on manufacturing fake trades Defendants admit in Counterclaims that BLMIS was their "investment advisor" Defendants acknowledge their "IA accounts" in Answers

Trustee Statement	Defendants' Responses	Trustee's Reply
133	<p>Disputed</p> <ul style="list-style-type: none"> Dispute Defendants had IA Business accounts Evidentiary objections 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Unfounded evidentiary objection Extraneous statements Defendants admit in Counterclaims that BLMIS was their “investment advisor” Defendants acknowledge their “IA accounts” in Answers Dubinsky’s expert opinions are admissible
134	<p>Disputed</p> <ul style="list-style-type: none"> Dispute Defendants had IA Business accounts Cites to Response Nos. 29 and 128 Dispute Trustee’s testimony/evidence 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statements See Trustee’s Reply to ¶¶ 29, 128
135	<p>Disputed</p> <ul style="list-style-type: none"> Dispute Defendants had IA Business accounts Reliance on Madoff to dispute employees’ knowledge Evidentiary objections 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to contrary Does not rebut fact Defendants admit in Counterclaims that BLMIS was their “investment advisor” Defendants acknowledge their “IA accounts” in Answers See Trustee’s Reply to ¶¶ 8, 29, 38, 74, 128
136	<p>Disputed</p> <ul style="list-style-type: none"> Cites to Response Nos. 62, 134 and 135 Dispute rates were guaranteed 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact See Trustee’s Reply to ¶¶ 62, 134, 135
137	<p>Disputed</p> <ul style="list-style-type: none"> Cites to Response No. 134 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact See Trustee’s Reply to ¶ 134
138	<p>Disputed</p> <ul style="list-style-type: none"> Cites to Response Nos. 74 and 134 Evidentiary objection 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact

Trustee Statement	Defendants' Responses	Trustee's Reply
139	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 29, 131, 134 and 135 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact See Trustee's Reply to ¶¶ 29, 131, 134, 135
140	Disputed. <ul style="list-style-type: none"> Cites to Response Nos. 29 and 139 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact See Trustee's Reply to ¶¶ 29, 139
141	Disputed. <ul style="list-style-type: none"> Cites to Response Nos. 29 and 139 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact See Trustee's Reply to ¶¶ 29, 139
142	Disputed. <ul style="list-style-type: none"> Cites to Response No. 139 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact See Trustee's Reply to ¶ 139
143	Disputed <ul style="list-style-type: none"> Cites to Response No. 139 Dispute Trustee's testimony/evidence 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statement See Trustee's Reply to ¶ 139
144	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 138 and 139 Evidentiary objection 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact See Trustee's Reply to ¶ 138
145	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 39 and 139 Dispute Defendants had IA Business accounts Dispute trades in Defendants' accounts were fictitious 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statement Defendants admit in Counterclaims that BLMIS was their "investment advisor" Defendants acknowledge their "IA accounts" in Answers See Trustee's Reply to ¶ 139

Trustee Statement	Defendants' Responses	Trustee's Reply
146	Disputed <ul style="list-style-type: none"> • Cites to Response No. 139 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Does not rebut fact • See Trustee's Reply to ¶ 139
147	Disputed <ul style="list-style-type: none"> • Dispute Defendants had IA Business accounts • Evidentiary objection • Cites to Response Nos. 8 and 29 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Does not rebut fact • Extraneous statement • Unfounded evidentiary objection • Defendants admit in Counterclaims that BLMIS was their "investment advisor" • Defendants acknowledge their "IA accounts" in Answers • See Trustee's Reply to ¶¶ 8, 29
148	Disputed <ul style="list-style-type: none"> • Dispute Defendants had IA Business accounts • Evidentiary objection • Reliance on Madoff to dispute Mr. Dubinsky's opinion • Reliance on Fortgang to dispute Mr. Dubinsky's opinion 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Does not rebut fact • Impermissible expert opinions • Defendants admit in Counterclaims that BLMIS was their "investment advisor" • Defendants acknowledge their "IA accounts" in Answers • Madoff, on whom Defendants rely, testified their accounts were with IA Business • Defendants were customers of IA Business • Trades were fictitious • Dubinsky's expert opinions are admissible
149	Disputed <ul style="list-style-type: none"> • Cites to Response No. 148 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Does not rebut fact • See Trustee's Reply to ¶ 148
150	Disputed <ul style="list-style-type: none"> • Cites to Response No. 148 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Does not rebut fact • See Trustee's Reply to ¶ 148
151	Disputed <ul style="list-style-type: none"> • Cites to Response Nos. 148 and 150 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • See Trustee's Reply to ¶¶ 148, 150

Trustee Statement	Defendants' Responses	Trustee's Reply
152	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 148 and 150 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 148, 150
153	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 148 and 150 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 148, 150
154	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 148 and 150 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 148, 150
155	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 148 and 150 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 148, 150
156	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
157	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 148 and 156 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 148, 156
158	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
159	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
160	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
161	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
162	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148

Trustee Statement	Defendants' Responses	Trustee's Reply
163	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
164	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
165	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
166	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
167	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
168	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
169	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
171	Disputed <ul style="list-style-type: none"> Phraseology objection Dispute Trustee's testimony/evidence Cites to Response No. 19 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Do not rebut fact Extraneous statements Phraseology quibble
173	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
174	Disputed. <ul style="list-style-type: none"> Cites to Response Nos. 25 and 148 Evidentiary objection 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Law of the case that DiPascali's Criminal Trial Testimony is admissible See Trustee's Reply to ¶¶ 25, 148

Trustee Statement	Defendants' Responses	Trustee's Reply
175	Disputed <ul style="list-style-type: none"> Dispute Defendants had IA Business accounts Reliance on Madoff to dispute Kugel's testimony Cites to Response No. 29 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statement See Trustee's Reply at ¶ 29
176	Disputed <ul style="list-style-type: none"> Dispute Defendants had IA Business accounts Dispute Trustee's testimony/evidence Cites to Response Nos. 29, 89 and 132 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statements See Trustee's Reply to ¶¶ 29, 89, 132
177	Disputed <ul style="list-style-type: none"> Dispute Defendants had IA Business accounts Dispute Defendants had "buy and hold" accounts Dispute trades on Defendants' statements were fictitious Evidentiary objection 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statements Impermissible expert opinion See Trustee's Reply to ¶¶ 19, 29, 89, 132
178	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 134 and 177 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 134, 177
179	Disputed <ul style="list-style-type: none"> Evidentiary objections Dispute Madoff made guarantees or promises Cites to Response Nos. 74, 128, 138 and 177 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statements See Trustee's Reply to ¶¶ 8, 38, 74, 128, 138, 177
180	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 131, 134 and 177 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 131, 134, 177

Trustee Statement	Defendants' Responses	Trustee's Reply
183	Disputed <ul style="list-style-type: none"> Dispute Defendants had IA Business accounts Dispute Defendants had “buy and hold” accounts Evidentiary objections Dispute Madoff promised returns 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statements Defendants admit in Counterclaims that BLMIS was their “investment advisor” Defendants acknowledge their “UA accounts” in Answers Madoff, on whom Defendants rely, testified that their accounts were with IA Business See Trustee's Reply to ¶¶ 8, 29, 38, 62, 134
184	Disputed <ul style="list-style-type: none"> Cites to Response No. 183 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 183
185	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 74 and 178 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 74, 178
186	Disputed <ul style="list-style-type: none"> Cites to Response No. 38 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 38
187	Disputed <ul style="list-style-type: none"> Cites to Response No. 39 Dispute Trustee's testimony/evidence 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statements
188	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 29, 38, 148 and 150 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 29, 38, 148, 150
189	Disputed <ul style="list-style-type: none"> Cites to Response No. 188 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 188
190	Disputed <ul style="list-style-type: none"> Cites to Response No. 188 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 188

Trustee Statement	Defendants' Responses	Trustee's Reply
191	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 8, 52, 62 and 74 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 8, 53, 62, 74
192	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 8 and 53 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 8, 53
193	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
194	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
199	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 8, 38 and 39 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 8, 38, 39
200	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 Dispute all trades are recorded with the DTC 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statement Impermissible expert opinion Object to reliance on Madoff's testimony as inadmissible hearsay and untrustworthy See Trustee's Reply to ¶ 148
202	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
203	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
204	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
205	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148

Trustee Statement	Defendants' Responses	Trustee's Reply
206	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
207	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
208	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
209	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
210	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 148 and 200 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 148, 200
211	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
212	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
213	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
214	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
215	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
216	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148

Trustee Statement	Defendants' Responses	Trustee's Reply
217	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
218	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
219	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
220	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
221	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
222	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
223	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
224	Disputed <ul style="list-style-type: none"> Cites to Response No. 148 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 148
225	Disputed <ul style="list-style-type: none"> Object to timeframe Dispute DTC existed prior to 1973 Dispute that Defendants did not have IA Business accounts 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statements Dubinsky's Global Report details the timeframe of DTC analysis
226	Disputed <ul style="list-style-type: none"> Dispute DTC existed prior to 1973 Reliance on Madoff to dispute that all trades are recorded with the DTC Evidentiary objection 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statements Impermissible expert opinion by Madoff

Trustee Statement	Defendants' Responses	Trustee's Reply
227	Disputed <ul style="list-style-type: none"> Cites to Response No. 226 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 226
228	Disputed <ul style="list-style-type: none"> Cites to Response No. 226 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 226
229	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 29 and 226 Dispute Defendants had IA Business accounts 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statements See Trustee's Reply to ¶ 226
230	Disputed <ul style="list-style-type: none"> Cites to Response No. 226 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 226
231	Disputed <ul style="list-style-type: none"> Cites to Response No. 229 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 229
232	Disputed <ul style="list-style-type: none"> Cites to Response No. 229 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 229
233	Disputed <ul style="list-style-type: none"> Cites to Response No. 229 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 229
234	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 8 and 229 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 8 and 229
235	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 8 and 226 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 8, 226
236	Disputed <ul style="list-style-type: none"> Cites to Response No. 229 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 229
237	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 148 and 226 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 148, 226

Trustee Statement	Defendants' Responses	Trustee's Reply
238	Disputed <ul style="list-style-type: none"> Cites to Response No. 229 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 229
239	Disputed <ul style="list-style-type: none"> Cites to Response No. 229 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 229
240	Disputed <ul style="list-style-type: none"> Cites to Response No. 229 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 229
241	Disputed <ul style="list-style-type: none"> Cites to Response No. 229 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 229
242	Disputed <ul style="list-style-type: none"> Cites to Response No. 229 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 229
243	Disputed <ul style="list-style-type: none"> Cites to Response No. 229 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 229
244	Disputed <ul style="list-style-type: none"> Cites to Response No. 229 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 229
245	Disputed <ul style="list-style-type: none"> Cites to Response No. 229 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 229
246	Disputed <ul style="list-style-type: none"> Cites to Response No. 229 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 229
247	Disputed <ul style="list-style-type: none"> Cites to Response No. 229 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 229
248	Disputed <ul style="list-style-type: none"> Cites to Response No. 229 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 229

Trustee Statement	Defendants' Responses	Trustee's Reply
249	Disputed <ul style="list-style-type: none"> Cites to Response No. 229 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 229
250	Disputed <ul style="list-style-type: none"> Cites to Response No. 229 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 229
251	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 8 and 229 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 8, 229
252	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 29 and 38 Dispute Defendants had IA Business accounts 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statements Dubinsky's expert opinions are admissible
253	Disputed <ul style="list-style-type: none"> Cites to Response No. 29 Dispute Defendants had IA Business accounts 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statements
254	Disputed <ul style="list-style-type: none"> Cites to Response No. 229 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 229
255	Disputed <ul style="list-style-type: none"> Cites to Response No. 229 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 229
256	Disputed <ul style="list-style-type: none"> Cites to Response No. 229 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 229
257	Disputed <ul style="list-style-type: none"> Cites to Response No. 229 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 229
258	Disputed <ul style="list-style-type: none"> Cites to Response No. 229 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 229

Trustee Statement	Defendants' Responses	Trustee's Reply
259	Disputed <ul style="list-style-type: none"> Cites to Response No. 229 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 229
267	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 38 and 39 Dispute that trades in Defendants' accounts were fictitious 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Extraneous statements Improper legal conclusion Madoff was operating a Ponzi scheme through his IA Business Defendants were customers of the IA Business Trades were fictitious Dubinsky's expert opinions are admissible
268	Disputed <ul style="list-style-type: none"> Cites to Response No. 267 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 267
269	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 148 and 267 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 148, 267
270	Disputed <ul style="list-style-type: none"> Cites to Response No. 267 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 267
271	Disputed <ul style="list-style-type: none"> Cites to Response No. 267 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 267
272	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 29 and 38 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 29, 38
273	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 29 and 38 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 29, 38
274	Disputed <ul style="list-style-type: none"> Do not dispute that the Proprietary Trading Business executed actual trades Evidentiary objection Cites to Response No. 28 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 29, 38

Trustee Statement	Defendants' Responses	Trustee's Reply
275	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 29 and 38 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 29, 38
276	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 29 and 38 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 29, 38
277	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 29 and 38 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 29, 38
278	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 8, 29 and 38 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 8, 29, 38
279	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 29 and 38 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 29, 38
280	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 29 and 38 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 29, 38
281	Disputed Cites to Response Nos. 8, 29, 34 and 38	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 8, 29, 34, 38
282	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 29 and 38 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 29, 38
283	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 29, 34 and 134 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 29, 34, 134
284	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 8, 29 and 38 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 8, 29, 38
285	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 29 and 38 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 29, 38

Trustee Statement	Defendants' Responses	Trustee's Reply
286	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 29 and 38 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 29, 38
287	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 29 and 38 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 29, 38
288	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 29 and 38 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 29, 38
289	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 29 and 38 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 29, 38
290	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 19, 29 and 38 Reliance on Madoff to dispute that IA Business used single counterparty for all purported transactions 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted Does not rebut fact Extraneous statements Object to Madoff's testimony as impermissible expert testimony and inadmissible hearsay
291	Disputed <ul style="list-style-type: none"> Cites to Response No. 290 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 290
292	Disputed <ul style="list-style-type: none"> Cites to Response No. 290 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 290
293	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 8 and 290 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 8, 290
294	Disputed <ul style="list-style-type: none"> Cites to Response No. 290 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 290
295	Disputed <ul style="list-style-type: none"> Cites to Response No. 290 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 290

Trustee Statement	Defendants' Responses	Trustee's Reply
296	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 8 and 290 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 8, 290
297	Disputed <ul style="list-style-type: none"> Cites to Response No. 290 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 290
298	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 8, 29, 32, 38 and 39 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Reliance on testimony unrelated to fact See Trustee's Reply to ¶¶ 8, 29, 32, 38, 39
317	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 72-94 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 72-94
319	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 38 and 39 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 38, 39
320	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 38 and 39 Reliance on Madoff to dispute that Proprietary Trading business was fraudulent and not profitable 	<ul style="list-style-type: none"> No Material Dispute of Fact Impermissible expert opinions Evidence shows Proprietary Trading Business was not profitable, relied on infusions of cash from IA Business See Trustee's Reply to ¶¶ 38, 39
321	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 38, 39 and 320 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 38, 39, 320
322	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 38 and 39 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 38, 39
323	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 38 and 39 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 38, 39

Trustee Statement	Defendants' Responses	Trustee's Reply
324	Disputed <ul style="list-style-type: none"> Cites to Response No. 8, 38 and 39 Reliance on Madoff to dispute that Proprietary Trading business was fraudulent and not profitable 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted See Trustee's Reply to ¶¶ 8, 38, 39, 320
325	Disputed <ul style="list-style-type: none"> Cites to Response No. 324 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 324
326	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 38 and 39 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 19, 38, 39, 320
327	Disputed <ul style="list-style-type: none"> Cites to Response No. 324 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 19, 38, 39, 320, 324
328	Disputed <ul style="list-style-type: none"> Cites to Response No. 324 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 19, 38, 39, 320, 324
329	Disputed <ul style="list-style-type: none"> Cites to Response Nos. 8 and 324 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶¶ 19, 38, 39, 320, 324
335	Disputed <ul style="list-style-type: none"> Evidentiary objections Dispute Trustee's testimony/evidence 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted Object to reliance on testimony unrelated to substance of fact Extraneous statements Madoff, on whom Defendants rely, testified their accounts were with IA Business Trades were fictitious Dubinsky's expert opinions are admissible See Trustee's Reply to ¶¶ 38, 39
366	Disputed <ul style="list-style-type: none"> Cites to Response No. 38 Reliance on Madoff to dispute BLMIS was insolvent prior to 2002 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Extraneous statements

Trustee Statement	Defendants' Responses	Trustee's Reply
368	Disputed <ul style="list-style-type: none"> Cites to Response No. 366 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 366
369	Disputed <ul style="list-style-type: none"> Cites to Response No. 39 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 39
370	Disputed <ul style="list-style-type: none"> Cites to Response No. 39 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 39
371	Disputed <ul style="list-style-type: none"> Cites to Response No. 39 Objection to implied facts 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Reliance on implied facts Defendants admit BLMIS was their "investment advisor" in their Counterclaims Defendants acknowledge their "IA accounts" in Answers Madoff, on whom Defendants rely, testified that their accounts were with IA Business See Trustee's Reply to ¶ 39
374	Disputed <ul style="list-style-type: none"> Cites to Response No. 39 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary See Trustee's Reply to ¶ 39
375	Disputed <ul style="list-style-type: none"> Cites to Response No. 39 Objection to implied facts 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary Does not rebut fact Reliance on implied facts Defendants admit BLMIS was their "investment advisor" in their Counterclaims Defendants acknowledge their "IA accounts" in Answers Madoff, on whom Defendants rely, testified that their accounts were with IA Business See Trustee's Reply to ¶ 39

Trustee Statement	Defendants' Responses	Trustee's Reply
379	Disputed <ul style="list-style-type: none"> • Cites to Response No. 39 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • See Trustee's Reply to ¶ 39
380	Disputed <ul style="list-style-type: none"> • Cites to Response No. 39 • Objection to implied facts 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Does not rebut fact • Reliance on implied facts • Defendants admit BLMIS was their "investment advisor" in their Counterclaims • Defendants acknowledge their "IA accounts" in Answers • Madoff, on whom Defendants rely, testified that their accounts were with IA Business • See Trustee's Reply to ¶ 39
388	Disputed <ul style="list-style-type: none"> • Cites to Response No. 39 • Objection to implied facts 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Does not rebut fact • Reliance on implied facts • Defendants admit BLMIS was their "investment advisor" in their Counterclaims • Defendants acknowledge their "IA accounts" in Answers • Madoff, on whom Defendants rely, testified that their accounts were with IA Business • See Trustee's Reply to ¶ 39
389	Disputed <ul style="list-style-type: none"> • Cites to Response No. 39 • Objection to implied facts 	<ul style="list-style-type: none"> • Not Specifically Controverted; Deemed Admitted • No evidence to the contrary • Does not rebut fact • Reliance on implied facts • Defendants admit BLMIS was their "investment advisor" in their Counterclaims • Defendants acknowledge their "IA accounts" in Answers • Madoff, on whom Defendants rely, testified that their accounts were with IA Business • See Trustee's Reply to ¶ 39

Trustee Statement	Defendants' Responses	Trustee's Reply
458	Disputed <ul style="list-style-type: none"> Dispute that BLMIS as an LLC did not exist prior to 2001 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to the contrary
460	Disputed <ul style="list-style-type: none"> Cites to Response No. 39 	<ul style="list-style-type: none"> Not Specifically Controverted; Deemed Admitted No evidence to contrary See Trustee's Reply to ¶ 39